

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GUIDO TREY MERKENS,

Plaintiff,

vs.

INVUITY INC. CHANGE IN CONTROL
AND SEVERANCE PLAN,

Defendant.

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SA-20-CV-00089-JKP

SHOW CAUSE ORDER

Before the Court is the above-styled cause of action, which was filed on January 23, 2020. The record reflects that Plaintiff has not yet requested issuance of summons or effectuated service on Defendant. Rule 4(m) of the Federal Rules of Civil Procedure requires service of a copy of the complaint and summons within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Plaintiff was therefore required to effectuate service on or before April 22, 2020. To date, there is no indication of service in the record. This Court must dismiss an action without prejudice or order service be made within a specified time if a plaintiff fails to timely serve the defendant. *Id.* The Court will therefore order Plaintiff to show cause why this case should not be dismissed for want of prosecution.

IT IS THEREFORE ORDERED that Plaintiff **show cause** why this case should not be dismissed for want of prosecution on or before **May 1, 2020**.

SIGNED this 23rd day of April, 2020.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE